

1 WRIGHT, FINLAY & ZAK, LLP  
2 Robin Prema Wright, Esq., SBN 150984  
3 Kathy Shakibi, Esq., SBN 237182  
4 4665 MacArthur Court, Suite 280  
5 Newport Beach, CA 92660 (*Barbera/Pleading/Notice Continue MTD*)  
6 Tel: (949) 477-5050; Fax: (949) 477-9200  
7 rwright@wrightlegal.net; kshakibi@wrightlegal.net

8 Attorneys for Defendants  
9 SELECT PORTFOLIO SERVICING, INC., fka  
10 FAIRBANKS CAPITAL CORPORATION, erroneously sued herein as  
11 SELECT PORTFOLIO SERVICING CORP., and FAIRBANKS HOLDING  
12 CORP.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

15 PATRICIA C. BARBERA,	)	Case No.: 4:08-CV-02677-SBA
	)	
16 Plaintiff,	)	Earlier Related Case: 4:04-cv-03738-
	)	SBA
17 v.	)	
18 WMC MORTGAGE CORPORATION a	)	[Assigned to Honorable Sandra
19 California Corporation; aka WMC	)	Brown Armstrong]
20 DIRECT, a California Business Entity,	)	
21 GE CONSUMER FINANCE, a unit of	)	<b>DEFENDANT SELECT</b>
22 General Electric Company; SELECT	)	<b>PORTFOLIO SERVICING, INC.</b>
23 PORTFOLIO SERVICING CORP., a	)	<b>fka FAIRBANKS CAPITAL</b>
24 Utah Corporation, FAIRBANKS	)	<b>CORP.'S NOTICE OF</b>
25 HOLDING CORPORATION, Delaware	)	<b>CONTINUANCE OF HEARING</b>
26 Corporation; and LAND TITLE	)	<b>DATE ON MOTION TO DISMISS</b>
27 COMPANY OF MARIN, a California	)	<b>COMPLAINT</b>
28 Business Entity; and DOES 1 through	)	
100, inclusive.	)	Current Hearing Date:
	)	Date: July 22, 2008
Defendants.	)	Time: 1:00 p.m.
	)	Dept.: 3, Third Floor

) Proposed hearing Date:  
) Date: July 29, 2008  
) Time: 1:00 p.m.  
) Dept.: 3, Third Floor  
)

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that Defendant Select Portfolio Servicing, Inc., *formerly known as* Fairbanks Capital Corporation, **erroneously sued herein as two separate entities** Select Portfolio Servicing Corporation and Fairbanks Holding Corporation, **hereby continues** the hearing date on its Motion to Dismiss the Complaint for Failure to State a Claim, presently scheduled for July 22, 2008, at 1:00 p.m., in Department "3" of the above-entitled Court, located at 1301 Clay Street, Suite 400 S, Courtroom 3, 3<sup>rd</sup> floor, Oakland, California, 94612, to **July 29, 2008**, at 1:00 p.m., in the same Court.

Pursuant to Local Rule 7-7, a party who has filed a motion may file a notice continuing the originally noticed hearing date for that motion to a later date if (1) no opposition is filed, and (2) the notice of continuance is filed prior to the date on which the opposition is due pursuant to Local Rule 7-3(a).

Plaintiff Patricia Barbera's Opposition is due on July 1, 2008. At the time of filing this Notice, the Court docket does not show that any opposition has been filed. This Notice is filed prior to the date when Plaintiffs' Opposition is due.

///

///

///

///

///

///

///

///

1 Good cause exists for this continuance as two co-defendants have Motions to  
2 Dismiss the Complaint scheduled for hearing on July 29, 2008, at 1:00 p.m. All  
3 motions to dismiss should be heard together as the issues and arguments are  
4 similar, and judicial efficiency is furthered by having all motions heard at the same  
5 time.

6  
7 Respectfully submitted,  
8 WRIGHT, FINLAY & ZAK, LLP  
9

10 Dated: June 30, 2008

11 By: Kathy Shakibi/  
12 Robin Prema Wright, Esq.,  
13 Kathy Shakibi, Esq.,  
14 Attorneys for Defendants,  
15 SELECT PORTFOLIO SERVICING,  
16 INC.,  
17 fka FAIRBANKS CAPITAL CORP.  
18 erroneously sued herein as two  
19 separate entities SELECT  
20 PORTFOLIO SERVICING CORP.  
21 and FAIRBANKS HOLDING CORP.  
22  
23  
24  
25  
26  
27  
28

1 WRIGHT, FINLAY & ZAK, LLP  
2 Robin Prema Wright, Esq., SBN 150984  
3 Kathy Shakibi, Esq., SBN 237182  
4 4665 MacArthur Court, Suite 280  
5 Newport Beach, CA 92660 (*Barbera/Pleading/COS*)  
6 Tel: (949) 477-5050; Fax: (949) 477-9200  
7 rwright@wrightlegal.net, kshakibi@wrightlegal.net

8 Attorneys for Defendants

9 SELECT PORTFOLIO SERVICING, INC., fka  
10 FAIRBANKS CAPITAL CORPORATION, erroneously sued herein as  
11 SELECT PORTFOLIO SERVICING CORP., and FAIRBANKS HOLDING  
12 CORP.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

15 PATRICIA C. BARBERA, ) Case No.: 4:08-CV-02677-SBA  
16 )  
17 Plaintiff, ) [*Assigned to Hon. Sandra Brown*  
18 ) *Armstrong*  
19 v. )

20 ) **CERTIFICATE OF SERVICE**

21 WMC MORTGAGE CORPORATION a )  
22 California Corporation; aka WMC )  
23 DIRECT, a California Business Entity, )  
24 GE CONSUMER FINANCE, a unit of )  
25 General Electric Company; SELECT )  
26 PORTFOLIO SERVICING CORP., a )  
27 Utah Corporation, FAIRBANKS )  
28 HOLDING CORPORATION, Delaware )  
Corporation; and LAND TITLE )  
COMPANY OF MARIN, a California )  
Business Entity; and DOES 1 through )  
100, inclusive. )

Defendants. )

1 )  
2 )  
3 )

4 I, Gretchen Grant, declare as follows:

5 I am employed in the County of Orange, State of California. I am over the  
6 age of eighteen (18) and not a party to the within action. My business address is  
7 4665 MacArthur Court, Suite 280, Newport Beach, California 92660. I am readily  
8 familiar with the practices of Wright, Finlay & Zak, LLP, for collection and  
9 processing of correspondence for mailing with the United States Postal Service.  
Such correspondence is deposited with the United States Postal Service the same  
day in the ordinary course of business.

10 On June 30, 2008, I served the within **DEFENDANT SELECT PORTFOLIO**  
11 **SERVICING, INC. fka FAIRBANKS CAPITAL CORP.'S NOTICE OF**  
12 **CONTINUANCE OF HEARING DATE ON MOTION TO DISMISS**  
**COMPLAINT** on all interested parties in this action as follows:

13 [X] by placing true copies thereof enclosed in sealed envelopes addressed as  
14 follows:

15 See attached service list  
16

17 [X] (BY MAIL SERVICE) I placed such envelope(s) for collection to be mailed  
18 on this date following ordinary business practices via U.S. Mail.

19 [ ] (BY FACSIMILE) The facsimile machine I used, with telephone no. (949)  
20 477-9200, complied with California Rules of Court, Rule 2003, and no error  
was reported by the machine.

21 [ ] (BY PERSONAL SERVICE) I have caused our Service of Process, First  
22 Legal to serve such envelope on all interested parties in this action.

23 [ ] (BY FEDERAL EXPRESS - NEXT DAY DELIVERY) I placed true and  
24 correct copies of thereof enclosed in a package designated by Federal  
Express with the delivery fees provided for.

25 [X] (State) I declare under penalty of perjury under the laws of the State of  
26 California that the foregoing is true and correct.

27 Executed on June 30, 2008, at Newport Beach, California.

28 /Gretchen Grant/

1 SERVICE LIST:  
2

3 Patricia C. Barbera  
4 24 Caribe Isle  
5 Novato, CA 94949  
6 415-382-9617; fax: 415-382-0756

7 **Plaintiff In Pro Per**

8 Scott Jacobs, Esq,  
9 Christopher Rivas, Esq.  
10 Reed Smith LLP  
11 355 South Grand Avenue, Suite 2900  
12 Los Angeles, CA 90071  
13 (213) 457 8000; Fax: (213) 457 8080  
14 **Attorney for WMC MORTGAGE, LLC, and**  
15 **GE Consumer Finance, Inc.**

16 Glenn D. Kabanuck, Esq.  
17 Daniel A. Gamer, Attorney at Law  
18 55 Professional Center Parkway, Ste. H  
19 San Rafael, CA 94903-2739  
20 415-472-6655; Fax: 415-472-3940  
21 **Attorneys for California Land Title of Marin**  
22  
23  
24  
25  
26  
27  
28